



Winston H. Hickox
*Secretary for
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State Water Resources Control Board

Division of Water Rights
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Gray Davis
Governor

NOTICE OF PETITION FOR A TEMPORARY PERMIT TO COLLECT UP TO 5,000 ACRE FEET OF WATER IN BIG SAGE RESERVOIR BY HOT SPRING VALLEY IRRIGATION DISTRICT UNDER APPLICATION T031429

Notice is hereby given that on May 12, 2003,

Hot Spring Valley Irrigation District
c/o Joe Battram
P.O. Box 1420
Alturas, CA 96101

has filed with the State Water Resources Control Board (SWRCB), Application T031429, for a Temporary Permit under Water Code section 1425 et. seq. Hot Spring Valley Irrigation District (District) proposes to divert up to 5,000 acre-feet (AF) of water to storage in Big Sage Reservoir during the period from May 1 through May 31, 2003. The water collected to storage in Big Sage Reservoir will be used for irrigation, stockwatering and recreation uses within the service area of the District.

DESCRIPTION OF THE PROJECT:

The District holds two licenses for the collection of water to storage in Big Sage Reservoir. The reservoir has a capacity of 77,000 AF and the licenses allow for the collection of approximately 69,000 AF of water annually to storage during October 1 to April 30 of each year. The stored water is then released downstream throughout the summer for irrigation use within the defined place of use. As a result of continued drought conditions in Modoc County, the storage in Big Sage Reservoir on April 30 of this year was only 7,200 AF, which is critically below the District's 20,000 AF average annual needs.

Since May 1, several large storms have occurred that have produced exceedingly high runoff, as well as, flooding in the Pit River Watershed. The District, being in urgent need of additional water supplies to carry them through the summer, began collecting the floodwaters in Big Sage Reservoir. Their collection of water also eased downstream flooding. However, since the District's water rights do not allow them to collect water after April 30, in order to keep the water, the District has filed a petition asking for a temporary permit to allow them to retain the water presently in storage and to collect and store any additional excess runoff during the period from May 1 to May 31. The water will be used for irrigation purposes during the coming irrigation season to offset the existing shortage.

No new construction or changes to the facilities are required. The District has already collected a portion of the water during the recent high flow period. The remaining portion of the water sought, will be collected, only to the extent that legal downstream requirements for flow can be met.

SUMMARY OF APPLICATION FOR TEMPORARY PERMIT:

County: Modoc
Source: Rattlesnake Creek tributary to Pitt River
Point of
Diversion: Located within the NW ¼ of SE ¼ of section 7, T43N, R12E, MDB&M.
Amount: 5,000 acre-feet by storage.
Season: May 1 through May 31
Purpose: Irrigation, Stockwatering and Recreation
Place of Use: At Big Sage Reservoir and within the boundaries of Hot Spring Valley Irrigation District

COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT:

Under provisions of the California Environmental Quality Act, SWRCB is the Lead Agency for this Project. Division of Water Rights staff will recommend to the SWRCB that the request for a temporary permit under Application T031429 qualify for an exemption under the Statutory Emergency Project Exemption, in accordance with Title 14, California Code of Regulations, section 15269. If you have any information which indicates that the proposed project will have a significant effect upon the environment, please send this information to Mr. Steven Herrera, SWRCB, Division of Water Rights, P.O. Box 2000, Sacramento, CA 95812-2000.

SWRCB'S STATUTORY PROVISIONS

Pursuant to Water Code sections 1425 et seq., the SWRCB may issue a conditional, temporary permit if the following findings regarding that permit can be made:

1. The applicant has an urgent need for the water proposed to be diverted and used;
2. The water may be diverted and used without injury to any other lawful user of water;
3. The water may be diverted and used without unreasonable effect upon fish, wildlife, or other instream beneficial uses; and
4. The proposed diversion and use are in the public interest, including findings to support permit conditions imposed to assure that water is diverted and used in the public interest, and may be made without injury to any other lawful user of the water, and without unreasonable effect upon fish, wildlife, or other instream beneficial uses.

Pursuant to the requirements of section 1425 above, the SWRCB is seeking information to assist in the evaluation of the proposed temporary permit. Any person may file comments, objections and/or recommendations concerning the District's application for a temporary permit. The materials must address the issues that the SWRCB must evaluate, as set forth above. If the SWRCB cannot satisfy, in a timely manner, the provisions of section 1425 et seq., then the SWRCB may schedule and notice a hearing regarding the proposed temporary permit.

Materials filed in response to this notice must be received in writing by **3:00 p.m.** on **June 20, 2003** at both addresses listed below. Due to the brief noticing period, interested parties are encouraged to file comments, objections, etc., by FAX up until the deadline. However, an original copy of all materials must be received for the SWRCB to consider your concerns.

Hot Spring Valley Irrigation District
c/o Joe Battram
P.O. Box 1420
Alturas, CA 96101

Division of Water Rights
Bill Rigby,
P.O. Box 2000
Sacramento, CA 95812-2000

Phone: (530) 233-2327
FAX: (530) 233-6527

Phone: (916) 341-5376
FAX: (916) 341-5400

The comment period for this notice expires at 3:00 p.m. on June 20, 2003. For information regarding this application, please visit our website at www.waterrights.ca.gov, Application and Petition Programs or telephone Bill Rigby at (916) 341-5376. If you have any questions regarding Project details you may contact Joe Battram of the District at (530) 233-2327.

ORIGINAL SIGNED BY

Edward C. Anton
Division Chief

Dated: June 3, 2003